

Appl. No. 10/607,645
Atty. Docket No. 6269RDC
Amdt. dated 9/11/06
Reply to Office Action of 6/26/06
Customer No. 27752

REMARKS/ARGUMENTS

Claims 7 and 14 have been cancelled herewith as redundant, in view of the amendment to Claim 1.

Claim 1 has been amended to incorporate the "essentially fluid impermeable" language of Claim 7. This Amendment makes abundantly clear the sequence of layers employed in the pad of the invention. It is submitted that the amendment is fully supported and entry is requested.

Claims 1-6, 8-13 and 15-22 are now under consideration.

Formal Matters

For the record, there are no objections or rejections under 35 USC 112 outstanding.

Rejections Under 35 USC 102

Claims 1, 7, 8, 14 and 22 stand rejected over U.S. 5,090,832, for reasons of record at pages 2-3 of the Office Action.

Applicants respectfully traverse the rejections, to the extent they may apply to the claims as now amended.

All previous arguments and citations of case law and relevant MPEP sections in support of patentability continue to apply, but will not be exhaustively repeated herein for the sake of brevity. Instead, the Examiner's specific comments regarding the structure of the article of the present invention vs. the article of '832 will be the focal point of what follows.

As previously argued, the sequence of layers in the present article – scrubbing/absorbent/essentially fluid impermeable attachment layer – is opposite to that of '832's sequence – scrubber/impermeable/absorbent ("blotter") layers.

To refute this argument, the Examiner (Office Action, page 3) states: The claimed sequence of the layers is shown in Figure 20 and described in column 9, lines 10–30.

Applicants must respectfully disagree with the Examiner on this key point.

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Column 9 refers to Figs. 18-20 and specifically teaches:

In this embodiment, the pad 20 has a scrubber layer 22 of the previously described material having side edges 30a and b and end edges 32a and b sealed to the impervious sheet 26. The pad 20 has a blotter layer 24 comprising an outer nonwoven sheet 78 having side edges 58a and b and end edges 60a and b sealed to the impervious sheet. [emphasis supplied]

Since (as depicted in Fig. 20 and as described above) the scrubber layer is affixed in a facing relationship by its side/end edges to the impervious sheet and, likewise, the blotter layer is similarly shown to be affixed in an opposing facing relationship to the impervious sheet, the only plausible conclusion is that the sequence of layers in '832 is scrubber/impermeable sheet/absorbent ("blotter").

At page 7 of the Office Action, the Examiner states: This [the Applicant's argument] is not persuasive because in contrast to the applicant's statement Rivera et al., teach layer 26 for releasable attachment to a cleaning implement. See at least Fig. 12 and column 8, lines 30-41.

Respectfully, Fig. 12 and column 8 of '832 show a pair of attachment loops 102 and 104 which "may be secured to sheet 26" for attachment to the mop head. The loops, not sheet 26, are the attachment means.

Moreover, the fact remains that the impermeable sheet 26 is positioned between the blotter/scrubber layers in '832 – see Fig. 12 which clearly shows sheet 26 between the scrubber and blotter layers. This point is emphasized again at column 8, lines 42-55 wherein the pad "after scrubbing has been completed" (line 42) is removed and replaced on the mop head by inversion, using the aforementioned loops.

Why the inversion? For the self-same reason as discussed in the previous responsive amendments: The scrubber layer in '832 is separated from the blotter layer by the impervious sheet 26. Accordingly, there can be no fluid communication between the scrubber layer and the blotter layer. Hence, inversion is required to complete the cleaning sequence: 1.) scrub and 2.) pick-up cleaning material by blotting.

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The Examiner's citation of "entire document" and various other passages in '832 (Office Action, page 2) has again been considered. In no instance do these citations refute the clear fact that '832 positions the impervious sheet between the scrubber and blotter layers. This, of course, is the exact opposite of the present invention, wherein liquid communication between the scrubbing layer and the absorbent layer is required, as is clearly stated in the claims herein.

In light of the foregoing and the arguments previously presented, withdrawal of the rejections under §102 is requested.

Rejections Under 35 USC 103

Claims 3-6 and 10, 12 and 13 stand rejected over US 5,090,832, for reasons of record at pages 4-5 of the Office Action.

Claims 15-21 stand rejected over '832 and the alleged "state of the art admitted by the applicants in the specification," for reasons of record at page 5 of the Office Action.

Claims 2 and 9 stand rejected over '832 in view of US 3,629,047, for reasons of record at pages 5-6 of the Office Action.

Applicants respectfully traverse all rejections under §103, to the extent they may apply to the claims as now amended.

All previous arguments and citations of case law and MPEP sections in support of patentability continue to apply.

To summarize: Claim 1 herein recites that the cleaning pad's absorbent layer is positioned between the scrubbing layer and the attachment layer. Claim 1 also recites the absorbent layer as being in direct fluid communication with the scrubbing layer. All claims depending from Claim 1 carry these same defining elements. Claim 8 depends from Claim 1, and it, along with its dependent claims, thereby carry the same defining elements of the cleaning pad. As discussed above, these features are not taught or suggested by the '832 patent. Moreover, it is again noted that the assembly and the mode of operation of the pad of '832 are both entirely different from the pad of the present invention.

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At the outset, it is submitted that nothing in '832, or in the combination of '832 with '047, would suggest modifying the scrubber/impervious sheet/absorbent layer structure of '832 to arrive at the scrubbing/absorbent/attachment layered structure of the present invention.

As stressed in MPEP 2143.1 (citations omitted), if a proposed modification or combination of the prior art would change the principle of operation of the prior art invention, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.

As discussed above under §102, any suggestion to rearrange the scrubber/fluid impervious/absorbent layers of the cited '832 patent to arrive at the present invention would completely change the mode of operation of the '832 device.

As taught in '832, column 2, lines 6-8, the liquid impervious sheet protects the blotter from getting wet. To change the position of said sheet would change this principle of operation. At column 7, line 55, once the scrubbing is over, the pad of '832 is designed to be inverted to achieve blotting. Again, changing the position of the impervious sheet relative to the scrubber and absorbing layer would change this mode of operation, contrary to MPEP 2143.01.

Simply stated, a cleaning fluid flows through the scrubbing layer directly into the absorbent layer of the present articles. In '832 it does not. In fact, the pad of '832 is specifically designed so that such direct flow will not occur. This point has been emphasized in previous amendments without refutation by the Examiner.

With regard to Claims 15-21, previous comments regarding the other cited documents continue to apply. The point remains that nothing in their combination with '832 would suggest changing the order of the layers required by the '832 pad.

With regard to the "admitted" state of the art, it would appear that the discussion of US 5,094,599 in the specification is fully in agreement with the discussion of '832 herein. The discussion of US 5,419,015 in the specification would appear to outline problems in the prior art, rather than suggest the solution afforded by the present invention. It is submitted that, absent some more concrete and specific citation to the "state of the art," the rejections on this basis should be withdrawn.

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Again, as previously argued and not refuted by the Examiner, since '832 teaches away from the present invention with respect to the communication of liquid between the scrubber layer and the absorbent layer (*no*, in '832; *yes*, in the present invention.), '832 is not properly combinable with any other document to arrive at a rejection under §103.
MPEP 2145 D.2.

With regard to Claims 2 and 9, the '047 document is cited with '832 to show a scrim. However, nothing therein teaches or suggests a re-ordering of the layered structure of '832 to arrive at the present pad. Indeed, as exhaustively discussed herein and in previous amendments, to do so would change the entire mode of operation of '832.

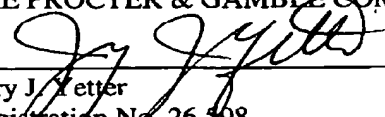
With regard to all claims not specifically mentioned, these are in condition for allowance in view of their dependency to the base claims, as well as for the totality of features recited therein.

In light of the foregoing, withdrawal of all rejections under §§102 and 103 and early and favorable action on all claims is requested.

Respectfully submitted,

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